

United States District Court
Southern District of Texas

ENTERED

May 10, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GRACIE CATES,

Plaintiff,

v.

CITY OF WALLER, ET AL.,

Defendants.

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CIVIL ACTION NO. H-22-118

MEMORANDUM & OPINION

Gracie Cates sued ten defendants in this civil action alleging federal claims under 42 U.S.C. § 1983 and §1985, and state law claims for assault and civil conspiracy. Two defendants, the City of Waller and Waller County, moved to dismiss Cates’s federal claims under 42 U.S.C. § 1983 and §1985. On April 19, 2022, this court granted the motion. The court held that Cates not only failed to plausibly allege the existence of a policy or custom necessary to hold the City and County liable under §§ 1983 and 1985, but also failed to plead the existence of a constitutional injury from any city or county actor. (Docket Entry No. 38, at 8–9). The court therefore dismissed Cates’s federal claims with prejudice, and dismissed Cates’s state law claims without prejudice so that Cates could refile any state law claims in state court.

Brian Dasher, one of the detectives who investigated Cates’s sexual assault allegations, has now moved to dismiss this lawsuit under Rule 12(b)(1) and 12(b)(6). (Docket Entry No. 39). The motion is moot. This court dismissed Cates’s federal claims as to all defendants, because she did not allege any plausible constitutional violations necessary to proceed on her § 1983 and § 1985 claims, and because further amendment would be futile. This case remains closed.

SIGNED on May 10, 2022, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge